

Every Student Succeeds Act – Summary and Comments

The following is a summary of the Every Student Succeeds Act, an Elementary and Secondary Education Act (ESEA) reauthorization bill as passed by the House and Senate in December 2015. The summary is not intended to be comprehensive but highlights major changes; if you have questions about specific sections please contact Julia Martin at jmartin@bruman.com.

Overall

- Preserves general structure of ESEA, funding formulae (with the exception of Title II, Impact Aid)
- Greatly increased State authority on standards, assessments, and interventions
- Strict specific limitations on secretarial authority throughout
- Changes in terminology: “vocational” education references changed to “career;” “limited English proficient” changed to “English learners”
- Preserves MOE; significantly reduces supplement not supplant requirements
- Eliminates HQT and AYP requirements

Title I

- Transition/timing of implementation (Sec. 4-5)
 - o Programs not substantially similar to something else in this bill will continue to receive funds until September 30, 2016
 - o Programs no longer authorized but substantially similar to programs in the bill may finish out multi-year grants in accordance with grant terms
 - o Programs still authorized may use funds awarded prior to enactment under those terms, then transition to new requirements
 - o ESEA waivers terminated August 1, 2016
 - o New law effective for non-competitive formula grants (at federal level) on July 1, 2016
 - BUT FY 2016 omnibus delayed this until school year 2017-18
 - o New law effective for competitive grants (at federal level) on October 1, 2016
 - o Changes to Impact Aid effective in FY 2017
 - o State accountability systems effective until August 1, 2016 (but continue to support priority/focus schools and those in improvement)
 - o New State accountability systems (and related interventions) take effect in school year 2017-18
- Maintains Title I, A Formula
 - o Sets specific funding authorization levels through FY 2020
 - o Maintains 1% cap on state administrative funds
- States must set aside 7% of Title I allocation every year to carry out interventions and technical assistance (Sec. 1003)

- NOTE: State must reserve 7% OR the sum of its FY 2016 school improvement reservation plus its FY 2016 1003(g) grant, whichever is greater – drafters assume 7% will be higher (Sec. 1003(a)(1)).
- 95% in 4-year grants to LEAs (formula OR competitive)
- Prioritize LEAs with high numbers of identified schools, those with greatest need for funds, and those with strongest commitment to improvement
- States may set aside 3% of Title I allocation for Direct Student Services program (Sec. 1004)
 - State may use up to 1% of set-aside for administrative costs
 - Award subgrants to LEAs for targeted programs, first to identified schools.
 - Allowable expenditures include academic and CTE coursework, credit recovery, advance placement, early college high school, tutoring, and AP/IB test fees. Also transportation services for LEAs implementing school choice.
 - LEAs must limit administrative costs to 2% of grant
- State Plans
 - Consultation with key stakeholders
 - State plans must be peer-reviewed (Sec. 1111)
 - Requires balance of constituencies, including focus on classroom experience
 - List of peer reviewers must be made public; same reviewers cannot review all plans
 - State plans must be approved within 120 days unless Secretary presents research which demonstrates that it does not meet requirements
 - Must notify State of rejection, provide opportunity to revise and resubmit, public hearing
 - Changes to State plans subject to approval/disapproval within 90 days (no peer review)
 - States must provide an assurance that they have adopted: (Sec. 1111)
 - Challenging academic content standards and aligned academic achievement standards (referred to in this Act as ‘challenging State academic standards’)
 - Must be the same for all public schools in State and expect same level of achievement from all schools
 - Must be aligned with entrance into credit-bearing coursework at State IHEs and relevant CTE standards
 - Secretary may not require that standards be submitted for approval
 - Secretary may not “mandate, direct, coerce, or exercise any discretion or supervision” over standards
 - States must implement assessments aligned with standards in math, reading, and science
 - Math and reading: grades 3-8 and one in high school
 - Can exempt 8th graders in advance math classes under certain conditions
 - Science: once in each grade span of 3-5, 6-9, and 10-12
 - Disaggregate achievement data by subgroup
 - Each major racial and ethnic group

- Economically disadvantaged students as compared to students who are not economically disadvantaged
 - Children with disabilities as compared to children without disabilities
 - English proficiency status
 - Gender
 - Migrant status
- May use computer adaptive assessments
- States may adopt alternate standards/assessments for students with the most significant cognitive disabilities
 - Codifies 1% limitation on alternate assessments statewide (encourages, but does not require, same limit at LEA level)
- May administer locally-selected assessment instead if it is at least as rigorous and approved by the state
- English language proficiency standards aligned with State academic standards (page 36)
 - Ensure proficiency in each of the domains of speaking, listening, reading, and writing
 - Address the different proficiency levels of children who are English learners
- May set a target limit on amount of time used for assessments
- Requires 95% participation across the board and by subgroup
 - Consequences for failing to meet that goal are up to the State – no federally mandated consequences
- Other provisions (Sec. 1111(g))
 - Must describe steps to be taken to provide assistance to LEAs and schools supporting early education programs
 - Must describe how low-income and minority students are not served at disproportionate rates by underqualified teachers (and plans for addressing this)
- State accountability systems (Sec. 1111(c))
 - States must develop and implement single, Statewide accountability systems
 - Includes minimum number of students for disaggregation of students by subgroup (“n-size”) that is universal across subgroups and statistically sound
 - Based on “challenging State academic standards”
 - Establish “ambitious long-term goals” which must
 - Be the same length of time for all students and subgroups
 - Take into account progress necessary to close proficiency and graduation rate gaps
 - Accountability systems must measure, for each subgroup:
 - Academic achievement
 - For high schools, 4-year adjusted cohort grad rate (State can add extended rate)
 - For elementary and middle schools, growth
 - Progress in achieving EL proficiency (only one subgroup)

- At least one indicator of school quality that is valid, reliable, comparable, and Statewide
 - Must meaningfully differentiate all schools in State; more weight on academic indicators
 - Must establish methodology for identifying schools for comprehensive support and improvement that are:
 - At least the lowest-performing 5%
 - High schools graduating less than 2/3 of students
 - Schools in which any subgroup, on its own, would be identified as lowest-performing 5% (and has not improved in State-determined number of years).
 - Identification of schools must start in SY 2017-18 and occur at least once every three years
- Interventions (Sec. 1111(d))
 - States must notify LEAs of schools that are identified for support and improvement
 - For each school identified, LEA must develop and implement a comprehensive support and improvement plan that:
 - Includes evidence-based intervention
 - Is based on a school-level needs assessment
 - Identifies resource inequities to be addressed
 - State must approve plan and monitor implementation
 - States must take more rigorous action in schools that fail to improve after a State-determined number of years (up to 4)
 - States must notify LEAs of schools where any subgroup is persistently underperforming
 - Schools must develop and implement a targeted support and improvement plan resulting in additional action if unsuccessful after an LEA-determined number of years
 - LEA must approve the plan and monitor implementation
 - In schools with subgroups performing as poorly as lowest-performing 5% of schools, plan must identify resource inequities to be addressed
 - If fail to improve, State identifies for comprehensive improvement
- Secretarial prohibition (Sec. 1111(e))
 - Secretary may not use regulations to add new requirements outside the scope of or inconsistent with Title I
 - Cannot prescribe goals, measurements, assessments, indicators, weight, methodology, exit criteria, n-size, parameters of teacher or leader evaluations, or indicators
- Report cards
 - State report cards (Sec. 1111(h))
 - Must be prepared and disseminated widely every year, and include information on:
 - Academic achievement by subgroup, school, and LEA (and n-size)
 - Include information on performance of homeless, foster, and military-connected students
 - Percentage of students assessed and not assessed by subgroup
 - Number of students taking alternate assessments
 - Description of State's accountability and differentiation system

- Graduation rates
 - Information on indicators of school quality including suspensions, arrests, incidences of violence, bullying, harassment, etc.
 - Professional qualifications of teachers in the State
 - Per-pupil expenditure of federal, State, and local funds
 - NAEP results
- LEA report cards (Sec. 1111(h))
 - Same information as above
 - Disseminated to all parents, widely available through public means
- LEA Plans (Sec. 1112)
 - Must have approved plan on file with SEA that:
 - Is developed in consultation with stakeholders
 - describes how the LEA will address disparities in teacher distribution
 - describes how the LEA will meet its responsibilities related to school improvement
 - describes how the LEA will coordinate and integrate services with preschool programs
 - describes how the LEA will support efforts to reduce the overuse of discipline practices that remove students from the classroom
 - describes how the LEA will coordinate academic and career and technical education content through instructional strategies which may include experiential learning or work-based learning opportunities
 - Parent information:
 - LEA must inform parents that they can request information regarding the professional qualifications of their child's classroom teachers.
 - Schools must provide parents information related to their child's academic achievement and notice if the student has been assigned a teacher who does not meet applicable State certification or licensure requirements.
 - LEA must notify parents of State or local policy regarding student participation in statewide assessments and post information on each assessment required.
 - LEA must inform parents of English learners of the reasons their child was identified and of the services for which they are eligible
- Schoolwide/Targeted Assistance
 - Preserves rank and serve (Sec. 1007)
 - Rank and serve all schools where poverty exceeds 75% in elementary and secondary schools, LEAs may lower this threshold to 50% for high schools only
 - If majority of high schools agree, LEA can measure poverty at high schools using feeder pattern calculation (currently permitted in guidance)
 - LEA discretion: can still designate as eligible any school with at least 35% poverty
 - Allows a school that serves an eligible school attendance area with less than 40% poverty to operate a schoolwide program if the school received a waiver from the State. (Sec. 1008)

- Schools operating a schoolwide program must develop a comprehensive plan that is based on a needs assessment.
 - Schoolwide schools may use funds to operate a preschool program
- Schoolwide secondary schools and targeted assistance schools may use funds for dual or concurrent enrollment programs (CTE, IHEs)
- Parent Engagement (Sec.1116)
 - Maintains 1% reservation, though allows for larger reservation
 - Parents and family members must be involved in developing LEA plans and improvement plans
 - LEA must conduct annual evaluation of parental and family engagement policies, remove barriers to participation
- Private Schools (Sec. 1117)
 - Allows services to be provided directly by LEA or by other government agency, entity, or third-party contractor
 - Requirement for LEAs to maintain and provide documentation showing meaningful consultation with private schools
 - Allows consolidation of Title I equitable services funds with those available under Sec. 8501
 - Requires SEA to designate ombudsman to monitor and enforce equitable services requirement
 - SEAs may provide equitable services directly or through contracts if private school officials file complaint saying that consultation by LEA was not meaningful/timely, services not adequate.
- Supplement, not Supplant (Sec. 1118)
 - To demonstrate compliance, LEAs must demonstrate (within two years of enactment) that the methodology used to allocate State and local funds to each participating school is the same as it would be in the absence of Title I funds
 - Secretary cannot require an LEA to:
 - Identify an individual cost or service as supplemental
 - Provide services through a particular method or instructional setting in order to demonstrate compliance
- State Assessment Grants (Sec. 1201)
 - Competitive grants to SEAs for collaborations to develop and improve assessment quality, validity, reliability.
- State Assessment System audit (Sec. 1202)
 - Secretary may award grants to States to improve and streamline assessment system, eliminate unnecessary assessments
 - 20% of State allocation for grants to LEAs
 - For same purposes as State grant.
- Migrant Education (Part C)
 - Makes largely technical changes, updates definitions, updates formula to allocate funds based on more current migratory child counts
 - Provides for 90% hold harmless for 2017 through 2019

- Prioritizes services for children failing to meet State standards or who have dropped out of school
- Neglected/Delinquent (Part D)
 - Now requires SEA plans to focus on State-established outcomes, prioritize attainment of high school diploma, reentry for students exiting juvenile justice or residential programs
 - LEAs may use funds for pay-for-success initiatives, subcontracts, subgrants, cooperative agreements
- Per-Pupil Funding Pilot (Part E)
 - Allows an LEA to apply directly to ED for a pilot program. Pilot districts may consolidate certain federal funds (Titles I, II, III, Part A of IV, and Part C of V), State, and local funds to create weighted per-pupil funding systems
 - LEA must demonstrate annually that no high-poverty school received less per-pupil for low-income students, ELs
 - May renew for an additional 3 years at discretion of the Secretary
 - 3-year demonstration agreements with up to 50 LEAs
 - If successful, can expand to any LEA in 2019-20
- General provisions
 - Requires negotiated rulemaking for Title I regulations related to standards, assessments, and supplement-not-supplant
 - Requires opportunity for congress to review regulations for 15 days prior to publication, at least 60 days of public comment

Title II

- Prohibitions (Sec. 2101)
 - Secretary/ED may not mandate, direct, control the elements of evaluation systems, or definitions of principal/teacher effectiveness, professional standards, certification, licensing, etc.
- Title II-A Funds (Sec. 2101)
 - Adjustment to formula phased in between enactment and 2020
 - Transition gradually to 20% population, 80% poverty
 - Hold harmless
 - Can only be 2001 allotment reduced by (14.29% x number of years since 2015)(Burr amendment) (eliminates hold harmless over a period of 7 years)
 - State grants: At least 95% to subgrants, up to 1% to administration
 - State may reserve up to 3% of amount reserved for subgrants to LEAs for activities for principles and other school leaders (Sec. 2101(c)(3))
 - Up to 4% (remaining State-level reservation) to be used for State activities
 - State activities include reforming teacher certification/licensure, technical assistance, teacher and leader evaluation and support systems, preparation, etc.
 - Formula to LEAs
 - 20% by population
 - 80% by poverty

- May be used for class size reduction, hiring, retention, support, technical assistance, training on behavior, evaluation and support systems, incentive pay, etc. (Sec. 2103)
- Teacher and School Leader incentive program (Sec. 2211-2213) (formerly Teacher Incentive Fund)
 - Competitive grants to States, LEAs, or partnerships
 - For implementation and study of performance-based incentive compensation programs to address gaps and raise student achievement
 - Up to 3 years with possibility of two-year extension
 - 50% non-federal match
- American History and Civics Education program (Sec. 2232)
 - Intended to improve quality of teaching of history/civics
 - 74% of funds for national activities to promote history, civics, government, and geography instruction
 - 3-year grants with possible 2-year extension/renewal
 - 26% for Presidential and Congressional academies to offer professional development and seminars
 - Grants for no more than 5 years
 - 100% match, unless waived by Secretary
- Literacy for All, Results for the Nation (LEARN) (Sec. 2221-2225)
 - Competitive grants to States to develop literacy instruction
 - 5-year grants with 2-year extension/renewal
 - 5% State set aside for activities identified through the needs assessment and comprehensive literacy plan
 - Divided by age group
 - Some grants for pre-K
 - Some grants for K-grade 5
 - Some grants for grades 6-12
- Supporting Effective Educator Development (Sec. 2242)
 - Grants to non-profits or IHEs or consortia for activities related to preparation and professional development of teachers
 - 3-year grants with possible 2-year extension/renewal
 - 25% non-federal match
 - Priority for evidence-based activities
- School Leader Recruitment and Support (Sec. 2243)
 - Grants to LEAs serving high-need schools, SEAs, or consortia for the recruitment, preparation, placement, support, and retention of effective principals or other school leaders in high-need schools
 - High-need = elementary schools with at least 50% poverty or secondary school with at least 40% poverty
 - 5-year grants with 2-year extension/renewal
 - 25% non-federal match

- STEM Master Teacher Corps (Sec. 2245)
 - o Competitive grants to SEAs or SEAs partnering with IHEs or other organizations
 - o To support development of master teacher corps or expand effective STEM PD programs
- Eliminates Mathematics and Science Partnerships grants
- Supplement, not supplant applies across Title II

Title III

- Eliminates Sec. 3122, 3302, and Part B (accountability provisions now part of Title I)
- Amends Sec. 3111(b) to include as allowable state activities:
 - o Establishing and implementing standardized Statewide entrance and exit procedures
 - o Educator PD and preparation activities to improve teaching skills for meeting EL needs
- Limits “direct” administrative expenses to 50 percent of funds not passed through to subgrantees
- Amends Sec 3111(c) to make State formula include data from ACS, number of students taking State English language assessments, or combination of data to determine number of ELs
- Replaces references to “limited English proficient” to “English learners” throughout
- State Plans (Sec. 3113)
 - o Must develop, with LEA consultation, standardized statewide entrance and exit procedures, including assurance that all students that may be ELs are assessed for such status within 30 days of enrollment
 - o Cross-references EL assessment requirements in Title I
- Subgrants (Sec. 3115)
 - o 2% cap on “direct” admin
 - o May use funds for preschool language instructional programs, and for dual enrollment postsecondary programs
- Reporting (Sec. 3121)
 - o Must report on number and percentage of ELs:
 - Meeting State-determined long-term goals
 - Disaggregated by disability
 - Attaining English proficiency
 - Meeting challenging State academic standards for 4 years after exiting
 - Disaggregated by disability
 - Who have not attained proficiency within 5 years of classification
- Public/private entities with relevant experience and capacity now eligible entities for competitive grants under National Professional Development Project

Title IV

- New Student Support and Academic Enrichment Grants (Sec. 4101)
 - o Formula grants to States based on share of Title IA
 - Small State minimum: 0.5% of total amount
 - o 1% State administrative set aside (includes requirement to report on how funds are being expended) (Sec. 4104)
 - o 95% for subgrants to LEAs or consortia of LEAs

- Allocated by formula based on share of Title IA
 - Minimum subgrant of \$10,000
- LEAs must submit applications
 - Prioritize funding to schools with greatest need, highest poverty level
- LEAs receiving more than \$30,000 must conduct comprehensive needs assessments every 3 years
- Expenditures
 - 2% LEA administrative funds
 - LEA receiving \$30,000 or more must spend at least 20% of funds to support at least one “well-rounded educational opportunities” activity, and at least 20% on at least one “safe and healthy students” activity
 - Use a portion of funds to support effective use of technology (no more than 15% on purchasing technology infrastructure)
- LEA activities may include:
 - Well-rounded educational opportunities:
 - College and career guidance/counseling
 - Arts and music programs that promote problem solving and conflict resolution
 - STEM programming and activities
 - Accelerated learning
 - History, civics, economics, geography, foreign language, environmental education
 - Community involvement
 - Other programs
 - Safe and healthy students:
 - Drug and violence prevention
 - School-based mental health services
 - Health and safety practices in school/athletics
 - Physical education/nutrition education/healthy lifestyle
 - Bullying and harassment prevention
 - Relationship-building skills
 - Dropout prevention and re-entry
 - Training for school personnel in drug, violence, trafficking, trauma
 - Other programs
 - Effective use of technology
 - Professional learning tools, technology, devices, content, resources for adaptive learning programs
 - Building technological capacity
 - Developing strategies for use of digital learning technologies
 - Blended learning projects
 - Professional development
 - Remote access resources for students in rural/remote/underserved areas

- 4% for “State activities” (Section 4104)
 - Providing monitoring of, and training, technical assistance, and capacity building to, LEAs receiving funds under this part
 - Identifying and eliminating State barriers to coordination and integration of programs that meet the purposes of this part
 - Supporting LEAs in providing programs and activities that:
 - Offer well-rounded educational experiences to all students
 - Foster safe, healthy, supportive , and drug free environments that support academic achievement
 - State can use all of this 4% in FY 2017 for accelerated learning exams during the 2016-2017 school year
- Supplement, not supplant remains in place (Sec. 4110)
- 21st Century Community Learning Centers program preserved
 - Defines performance indicators and performance measures (Section 4205(b))
 - Requires State to provide for timely notice of intent to file application and provide for public review
 - Prohibits preference for States or entities that propose using funds to extend the school day
 - 2% reservation for State administrative activities, 5% for State-level activities
 - Local subgrant (Sec. 4204)
 - States must award subgrants of at least \$50,000 for community learning centers, giving priority to entities that target service to schools identified for improvement, are partnering with another entity, or demonstrate that the activities would expand accessibility
 - Funds may be used for expanded learning program activities which
 - provide at least 300 additional program hours
 - supplement but do not supplant regular school day activities
 - meet the priorities for all subgrantees
 - Local uses of funds now to include STEM, computer science, financial literacy, environmental literacy, and programs that partner with in-demand fields of workforce or build career competencies and readiness
 - Measures of success must align with students’ regular academic programs (Sec. 4205)
- Expanding Opportunity Through Quality Charter Schools (Part C)
 - Charter Schools Grants (Sec. 4301-4305)
 - 12.5% for charter school facilities
 - 50% of funds goes to at least three competitive grants to State/non-profits/consortia
 - To use innovative methods of helping charter schools with acquisition or construction of facilities, or loans/bonds for financing
 - Entities get 2.5% for administrative costs
 - 50% for per-pupil facilities aid grants
 - Decreasing federal share of grant funds

- 90% in first fiscal year; 80% in second; 60% in third; 40% in fourth; 20% in fifth
- Other organizations can contribute no more than 50% of state share
- 22.5% for national activities
 - Competitive grants to charter management organizations or non-profits for the expansion and replication of high-quality charter schools
 - Entities must show success and quality financial models, not be party to a high portion of closures
 - Priority to organizations serving 60% or more children living in poverty in the aggregate (page 418)
- Remainder for Grants to Support High Quality Charter Schools (Sec. 4303)
 - Competitive grants to State agencies, charter school boards, Governors, or charter support organizations
 - State must reserve at least 7% to provide technical assistance to eligible entities and work with public chartering agencies to improve authorizing quality
 - State can reserve no more than 3% for administration
 - 90% minimum for subgrants For opening new charters or expanding/replicating existing quality programs
 - Up to 5 years, no less than 3 grants per year, review expenditures after 2nd year to determine if it should continue
 - Charters may allow use of weighted lottery to benefit disadvantaged students if otherwise permitted and if it does not segregate a subset of students
 - Priority given to States with high-quality plans to monitor applicants and provide technical assistance to support quality authorizing, States that allow entities besides LEAs to be authorizers, that support charter schools serving at-risk students, using best practices from charter to improve struggling schools and LEAs, and ensuring that all chartering agencies implement best practices for charter authorizing
 - Local uses of funds
 - Preparing teachers, leaders, instructional support
 - Acquiring supplies, training and equipment
 - Necessary renovations
 - Startup transportation costs
 - Community engagement
 - Other appropriate non-sustained costs if not met from other sources
- Facilities Financing Assistance (Sec. 4304)
 - Credit Enhancement
 - Secretary must reserve at least 50% of available facilities funding for at least 3 competitive grants to entities with innovative methods of helping charter schools address facilities costs

- Limit of 2.5% administrative costs
 - Require individual audit annually
 - If grantees haven't made significant progress after 2 years, Secretary can seek recovery of all or a portion of funds (except funds that are being "properly used")
- Per-pupil facilities Aid program
 - Remaining 50%
 - 5-year grants, with increasing non-federal match (to 80% in 5th year of grant)
 - Applications must address proposed assistance, extent of charter schools' involvement in project development, and level of expertise in capital market financing/education
- National Activities (Sec. 4305)
 - Not less than 80% of funds to charter management organizations
 - Not more than 9% of funds directly to applicants who did not receive State award
 - Remainder for technical assistance and dissemination of best practices
 - Priority to entities that plan to operate or manage high-quality charters with racially and socioeconomic diverse student bodies; demonstrate success in working with schools defined by the State for comprehensive support and improvement; or propose to operate or manage high-quality charters focusing on dropout recovery and academic reentry.
- Magnet school program (Sec. 4401)
 - Requires LEAs to include in applications any evidence that programs will promote desegregation and student academic achievement
 - Priority for programs with established evidence base or using evidence-based methods
 - Extends grant period from 3 to 5 years
 - Maximum grant size of \$15 million
- Family Engagement (Part E)
 - Not more than 2% federal reservation for technical assistance
 - Minimum award of \$500,000
 - Expands list of members of special advisory Committee
 - Increases percentage of funds (65%) that must be spent on organizations/schools serving high concentrations of disadvantaged students
 - Requires applicants to conduct training programs in adult literacy
 - Use of funds
 - Training and technical assistance to assist parents in activities to promote student academic achievement
 - Develop and implement statewide family engagement and remove barriers
 - Cannot require participation in parent programs; developmental screening
- National Activities (Part F)
 - Grants for education innovation and research (Sec. 4611)
 - Competitive to SEAs, LEAs, consortia, or partnerships
 - At least 25% of grants to rural areas

- 10% match (may be waived)
- Promise Neighborhoods (Sec. 4624)
 - At least 15% of funds to rural areas
 - 100% match can be waived by Secretary for hardship
 - Not less than 3 grants per year
 - Grants for no more than 5 years, may be extended by up to 2 years
 - Conduct needs analysis, priority for “evidence-based activities”
 - Use at least 50% of funds in first year for support and implementation (25% in second year)
 - Cannot use funds for early childhood summative assessments, or evaluations (other than for purposes of improving instruction)
- Full-Service community Schools (Sec. 4625)
 - Not less than 10 grants per year (Sec. 4623), at least 15% to rural areas
 - Non-federal match (BIE can use other federal funds) (Sec. 4623)
 - Entities must serve at least 2 schools
 - Minimum grant is \$75,000
- National Activities for School Safety (Sec. 4631)
 - Reservation for Project SERV
 - Allowance to fund other activities to improve student safety directly, through grants, through contract, or cooperative agreements with public/private entities, individuals, or other Federal agencies
- Academic Enrichment
 - Assistance for the Arts (Sec. 4642)
 - Promote arts education for students, including disadvantaged students and students with disabilities
 - Priority to national nonprofit organizations
 - Ready to Learn Programming (Sec. 4643)
 - Awards to eligible entities to develop, produce, and distribute educational video programming, materials, and digital content
 - For preschool and elementary school children
 - High-Ability Learners and Learning (Sec. 4644)
 - Reauthorizes Javits Gifted and Talented program

Title V

- Now allows SEAs or LEAs to transfer all of their funds under Title IIA, Title IVA, or Sec. 4204(c)(3) between those provisions, and into (but not out of) Title I Parts A, C or D, Title IIIA, or Title VB (Sec. 5002)
- Retains rural education initiative but updates references. Increases minimum grant amount to \$25,000 and maximum to \$80,000.
- Choice of participation (Sec. 5225)
 - LEAs eligible for both the Small, Rural School Achievement Program and Rural and Low-Income School Program may choose one of the two under which to receive funds

Title VI

- Part A: Indian Education
 - o Grants to LEAs, tribes, Indian organizations, or consortia (Sec. 6111)
 - Must create committee to advise on grant application
 - Allowable uses of funds:
 - Native language restoration
 - Culturally related activities
 - Early childhood and family programs
 - Enrichment to support attaining State standards
 - Educational services that increase parental involvement
 - Career prep to assist in participation in CTE
 - Violence, abuse, and suicide prevention activities
 - Culturally responsive teaching
 - Family literacy
 - Dropout prevention
 - Assistance for students in or transitioning out of correctional facilities
 - o Allowable grants to entities for health, nutrition, dual enrollment, career prep, etc. (Sec. 6121)
 - o Allowable grant to increase number of qualified Indian and Alaska Native teachers, provide professional development. Grants are 3 years with two-year renewal option (Sec. 6122)
 - o New grants to support schools that use Native American and Alaska Native languages as primary languages of instruction.
 - o New grants to tribes for education administrative planning, development, and coordination (Sec. 6135)
- Native Hawaiian Education (Sec. 6204)
 - o Makes changes to education council composition
 - o Maintains direct grants to Native Hawaiian entities, including charter schools, that propose projects focused on promoting educational achievement for specific groups of Native Hawaiian students (Sec. 7205)
- Alaska Native education (Sec. 6304)
 - o Maintains Alaska native entity grants to improve educational outcomes, implement enrichment, parent involvement, career prep programs (Sec. 6304)

Title VII: Impact Aid

- Now allows LEAs to use facsimiles of records or other appropriate records to demonstrate the value of federal property if the originals have been unintentionally destroyed (Sec. 7003)
- New special rule for property within more than one LEA, LEAs containing forest service land, and those that have consolidated.
- Simplifies eligibility requirements for federally connected children (Sec. 7004)
- Eliminates maintenance of effort provision for Impact Aid (Sec. 7004)
- New hold harmless for LEA facing 20% or more reduction due to unexpected drop in eligible population (Sec. 7004)

Title VIII: General Provisions

- Eliminates definitions relating to HQT
- Adds new definitions: early college high school; cohort graduation rates; exemplary teacher; core academic subjects; expanded learning time; evidence-based; school leader (Sec. 8002)
- LEAs consolidating State or local funds for fiscal support teams do not violate supplement, not supplant requirements (Sec. 8006)
- ED must identify staff who work on programs eliminated by this bill and reduce its workforce accordingly (Sec. 8008)
- Two or more eligible rural LEAs or educational service agencies may submit a consolidated plan for certain programs (Sec. 8011).
- Waivers (Sec. 8401)
 - o Greatly broadens waiver provisions
 - LEAs must request State approval for waiver (State may submit to ED)
 - Must be approved so long as it meets the requirements (State must provide evidence that it does not)
 - Schools may submit waivers to LEA, which may submit to SEA
 - ED must waive provisions within 120 days so long as request meets requirements
 - o Secretary may not disapprove a request for reasons outside conditions of law, may not place any conditions on approval of waiver request (including standards, assessments, accountability, evaluations, etc.)
- Equitable Services (Sec. 8501)
 - o SEA must designate an ombudsman to monitor and enforce requirements
 - o LEAs must maintain and provide documentation showing meaningful consultation with private schools has occurred
 - o SEA may provide equitable services directly or through contracts if private school officials file a complaint showing that consultation was not meaningful and timely. SEA must resolve complaints within 45 days and Secretary must resolve appeal within 90 days (Sec. 8017)
- Maintenance of Effort (Sec. 8521)
 - o LEA is not subject to sanctions for failing to maintain 90% effort for one year (either combined fiscal per student or aggregate State and agency expenditures) provided it has not failed to meet MOE for one or more of five immediately preceding fiscal years.
 - o May waive MOE requirements in case of change in organizational structure of LEA.
- Funds may not be used for construction, renovation, or repair of school facilities, or for transportation, unless otherwise specifically authorized (Sec. 8526)
- Prohibitions (Sec. 8526A, 8024)
 - o Cannot mandate direct, or control a State, LEA, or school's:
 - Instructional content
 - Standards and assessments
 - Curricula
 - Program of instruction
 - o Cannot, through grants, contracts, or cooperative agreements:
 - Mandate/direct/control curricula, program of instruction, content, standards

- Incentivize adoption of any specific standards through priority, preference, special consideration, etc.
 - Condition financial assistance on adoption of common core or other specific standards
 - Endorse specific curriculum
 - Require federal approval/certification of standards
- Prohibits development of any federally sponsored national test (Sec. 8026)
 - But can use funds for SEA/LEA to develop standards, assessments, curriculum, etc..
- Cannot incentivize national testing or certification for teachers/principals (Sec. 8027)
- States that opt out of receiving funds are not required to carry out ESEA
- SEA must give Governor the opportunity to review and sign the State plans under Title I, title II, and Sec. 8302
- State may withdraw from Common Core or revise a standard without ED taking action (Sec. 8544)

Title IX: Education for the Homeless

- McKinney-Vento
 - Requires SEA to establish Office of the Coordinator for the Education of Homeless Children to improve identification, address children's needs, and provide technical assistance to LEAs (Sec. 9102)
 - ED must update and disseminate guidance about educational rights of homeless children
 - Strikes "or are awaiting foster care placement" from the definition of homeless children and youth. Takes effect one year after enactment for a State that does not have a law that defines or describes that phrase, and in two years for a State that does (Sec. 9105)
 - Provides for immediate enrollment, even if unable to produce records or miss enrollment deadlines
 - Information about homeless status of child must be treated as an educational record under FERPA

Title IX

- Ed Flex reauthorization (Sec. 9207)
 - Technical changes to Ed Flex Partnership Act
 - Allows Secretary to approve a temporary extension of existing designations for up to five years
- IES studies
 - Sample Size (Sec. 9209)
 - Within 90 days, IES must publish and disseminate a report on best practices for determining subgroup size
 - Title I formula (Sec. 9211)
 - Within 18 months, must study the effectiveness of the four Title I formulas and consider the impact of number and percentage weighting. Must enumerate impact on 12 types of locales as classified by NCES

- Preschool Development Grants (Sec. 9212)
 - Competitive early learning grant
 - One-year grant with the ability for planning, coordination, and improvement activities
 - Three-year renewal grant for same activities
 - In first year, 60% of funds must be used for subgrants to increase early learning
 - In second and third years, 75%
 - States must designate lead agency, coordinate with HHS
 - 30% match